IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

TUESDAY, THE 23RD JANUARY 2007 / 3RD MAGHA 1928

WP(C).No. 2547 of 2007(C)

CMA.3/2007 of PRINCIPAL SUB COURT,KOCHI
OS 288/05 OF MUNSIFF COURT, KOCHI

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PETITIONER:

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1. K.E.GEORGE, AGED 33, S/O.ESSY,
KANDATHIPPARAMBIL, KUMBALANGHY, KOCHI 7.

2. K.E.SEVY, S/O.ESSY, AGED 30,
KANDATHIPPARAMBIL, KUMBALANGHY, KOCHI 7.

BY ADV. SRI.K.C.CHARLES
SRI.K.SANEESH KUMAR

RESPONDENTS:

K.K.REGHU, AGED 67, S/O.NALLAKKAN,
MANAKKAPPADATH HOUSE, CHOTTANIKKARA,
KANAYANNUR TALUK, ERNAKULAM.

BY //

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

W.P.(C) .NO.2547 OF 2007

Dated 23rd January 2007

J U D G M E N T

This petition is filed under Article 227 of Constitution of India for a direction to Sub Judge, Kochi to dispose Ext.P2 application filed under Order XLI Rule 5 (2) of Code of Civil Procedure and stay the execution of the order in I.A.568/06 in O.S.288/05. Learned Sub Judge has reported that though Ext.P2 application was heard and posted for orders, it was found that it is necessary to hear respondent before pronouncing the order and therefore notice was ordered and Ext.P2 application stands posted to 8/2/2007. Learned Sub Judge is directed to dispose Ext.P2, as expeditiously as possible and at any rate on the next posting day. Ext.P1 order does not show that petitioner shall personally appear before learned Munsiff. In such circumstance, I do not find any necessity to issue direction to dispense with the appearance as sought for.

Writ petition is disposed.

M.SASIDHARAN NAMBIAR,
JUDGE.

uj.